

FILED

AUG 03 2023

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT-WVND  
MARTINSBURG, WV 25401

UNITED STATES OF AMERICA,

v.

RICHARD LEE TYNDALL, JR.,

Defendant.

Criminal No.

3:23-CR-

62

Violations:

18 U.S.C. § 371

INFORMATION

The United States Attorney charges that:

COUNT ONE

(Conspiracy)

1. On or about September 4, 2019 to at least September 27, 2019, in Mineral County, in the Northern District of West Virginia and elsewhere, the defendant, **RICHARD LEE TYNDALL, JR.**, unlawfully, knowingly and willfully did combine, conspire, confederate and agree together with others, to commit offenses against the United States, to wit, to steal firearms from FFLs, possess the firearms although he is prohibited from possessing such firearms, and sell the firearms to other individuals, all in violation of the Gun Control Act, Title 18, United States Code, Sections 922(u), 924(i)(1), 922(g), and 924(a).

**MANNER & MEANS**

2. It was a part of the conspiracy that defendant **RICHARD LEE TYNDALL, JR.** would steal firearms from a Federal Firearms Licensee ("FFL") in Mineral County, West Virginia.

3. It was a part of the conspiracy that defendant **RICHARD LEE TYDNALL, JR.** would possess the firearms although he is a prohibited individual.

4. It was a part of the conspiracy that after defendant **RICHARD LEE TYNDALL,**

**JR.** stole and possessed the firearms, he would sell the firearms to other individuals.

### OVERT ACTS

5. In furtherance of the conspiracy and to effect the objects of the conspiracy the following overt acts, among others, were committed in the Northern District of West Virginia and elsewhere:

- a. on or about September 4, 2019, in Mineral County, in the Northern District of West Virginia, defendant **RICHARD LEE TYNDALL, JR.**, did steal and unlawfully take and carry away the following firearms:

Make	Model	Caliber	Serial Number
Smith and Wesson	MP Shield	45 ACP	JBW3691
Smith and Wesson	MP Shield 2.0	9mm	JBY6977
Smith and Wesson	MP 22C	22 LR	HHZ1069
Smith and Wesson	MP 22C (FDE)	22 LR	HHY1076
Smith and Wesson	MP 22 4.1" (BLK)		MP146017
Smith and Wesson	422 6" (BLK)	22 LR	UBF1378
Smith and Wesson	SW9F	9mm	PAC5356
Desert Eagle	IWI MK VII		35201287

from the premises of an FFL, a business licensed to engage in the business of dealing in firearms, which firearms were then in said licensee's business inventory, and had been shipped and transported in interstate commerce;

- b. on or about September 4, 2019 in Mineral County, in the Northern District of West Virginia, defendant **RICHARD LEE TYNDALL, JR.**, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is the felony offense of Theft: \$10,000 to Under \$100,000 in violation of Maryland Code, Criminal Law, § 7-104, in Criminal Case Number 02-K-12-001046 in the Circuit Court for Anne Arundel County – Criminal, did knowingly possess the following firearms:

Make	Model	Caliber	Serial Number
Smith and Wesson	MP Shield	45 ACP	JBW3691
Smith and Wesson	MP Shield 2.0	9mm	JBW6977
Smith and Wesson	MP 22C	22 LR	HHZ1069
Smith and Wesson	MP 22C (FDE)	22 LR	HHY1076
Smith and Wesson	MP 22 4.1" (BLK)		MP146017
Smith and Wesson	422 6" (BLK)	22 LR	UBF1378
Smith and Wesson	SW9F	9mm	PAC5356
Desert Eagle	IWI MK VII		35201287

said firearms having been shipped and transported in interstate commerce;

- c. On or about September 27, 2019, in Mineral County, in the Northern District of West Virginia, defendant **RICHARD LEE TYNDALL, JR.**, did steal and unlawfully take and carry away the following firearms:

Make	Model	Caliber	Serial Number
Aero Precision with Leopold Scope Mounted	X15	.223 WYLDE	AR63187
Radical Firearms	RF-15	5.56 NATO	19-101172
ATI	GSG-522	.22 LR	A493186
Anderson	AM-15	5.56 NATO	17028957
Mossberg	715T	.22 LR	ELE3404248

from the premises of an FFL, a business licensed to engage in the business of dealing in firearms, which firearms were then in said licensee's business inventory, and had been shipped and transported in interstate commerce;

- d. on or about September 27, 2019 in Mineral County, in the Northern District of West Virginia, defendant **RICHARD LEE TYNDALL, JR.**, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is the felony offense of Theft: \$10,000 to Under \$100,000 in violation of Maryland Code, Criminal Law, § 7-104, in Criminal Case Number 02-K-12-001046 in the Circuit

Court for Anne Arundel County – Criminal, did knowingly possess the following firearms:

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Aero Precision with Leopold Scope Mounted	X15	.223 WYLDE	AR63187
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ATI	GSG-522	.22 LR	A493186
Anderson	AM-15	5.56 NATO	17028957
Mossberg	715T	.22 LR	ELE3404248

said firearms having been shipped and transported in interstate commerce;

e. other overt acts.

All in violation of Title 18, United States Code, Section 371.

**FORFEITURE ALLEGATION***Gun Control Act*

Pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d)(1), the government will seek the forfeiture of any firearm and any ammunition involved in or used in any knowing violation of Title 18, United States Code, Sections 922(u), 922(g), and 924(a)(2), including:

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>Serial Number</b>
Smith and Wesson	MP Shield	45 ACP	JBW3691
Smith and Wesson	MP Shield 2.0	9mm	JBW6977
Smith and Wesson	MP 22C	22 LR	HHZ1069
Smith and Wesson	MP 22C (FDE)	22 LR	HHY1076
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ATI	GSG-522	.22 LR	A493186
Anderson	AM-15	5.56 NATO	17028957
Mossberg	715T	.22 LR	ELE3404248

and assorted ammunition.

*Lara K. Ompps-Botteicher*

WILLIAM IHLENFELD  
United States Attorney

Lara K. Ompps-Botteicher  
Assistant United States Attorney